

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA

1:11-cr-00022-JD

V.

JOSE REYES

MOTION TO SUPPRESS IMPERMISSIBLY SUGGESTIVE AND UNRELIABLE OUT OF  
COURT IDENTIFICATION

NOW COMES the accused, Jose Reyes, by and through his attorney, and hereby moves this Court to suppress Laurie Bohan's out of court identification, as well as any in court identification based on it, because the procedure was impermissibly suggestive and the identification unreliable.

1. Laurie Bohan identified the accused as "Tony" after viewing one booking photo of him during her proffer.
2. The accused maintains that this identification procedure was suggestive without having a good reason for using a less suggestive one.
3. The accused states the identification was unreliable based on the totality of the circumstances.
4. Impermissibly suggestive identification procedures, and any unreliable identifications tainted by them, must be suppressed to prevent a violation of the accused's Due Process rights.
5. A Memorandum in support of this motion is being filed on this date.

WEREFORE, the accused respectfully requests this Court do the following:

- A) suppress Ms. Bohan's out court identification
- B) suppress any in court identification tainted by it
- C) take any further action this Court deems necessary

Respectfully submitted,  
Jose Reyes,  
By his Attorney.

Date: April 27, 2012

/S/Paul J. Garrity  
Paul J. Garrity  
14 Londonderry Road  
Londonderry, NH 03053  
603-434-4106  
Bar No. 905

#### CERTIFICATE OF SERVICE

I, Paul J. Garrity, herein certify that on the 27<sup>th</sup> day of April, 2012, a copy of the within Motion was e filed to Attorney Terry Ollila of the Office of the U.S. Attorney.

/S/ Paul J. Garrity  
Paul J. Garrity